

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 CAB-02 CIAE-00 COME-00
DODE-00 DOTE-00 INR-07 NSAE-00 EPG-02 FAA-00 L-03
SS-15 NSC-05 SSO-00 INRE-00 /054 W
-----010966 201255Z /50

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FM AMEMBASSY LONDON

TO WHITE HOUSE NIACT IMMEDIATE

SECSTATE WASHDC NIACT IMMEDIATE 5254

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FOR DELIVERY AT OPENING OF BUSINESS 20 JUNE

WHITE HOUSE FOR JOHNSTON, DEAL (NSC)

STATE FOR E, EB

PASS DOT DAVENPORT, KAMM), CAB (KAHN,
RODRIGUEZ

E.O. 11652: N/A

TAGS: EAIR, UK

SUBJECT: US-UK CIVAIR NEGOTIATIONS: CAPACITY ARTICLE

REF: U.S. RENEG 13, UK RENEG 48, LONDON 10099 (PARA 4).

US,UK REACHED ESSENTIAL AGREEMENT ON CAPACITY
ARTICLE FOR NEW BILATERAL. ESSENTIAL TEXT FOLLOWS

1. DESIGNATED AIRLINE OR AIRLINES OF ONE PARTY SHALL
HAVE FAIR, EQUAL OPPORTUNITY TO COMPETE WITH DESIGNATED
AIRLINE OR AIRLINES OF THE OTHER ON EACH ROUTE.

2. AIRLINE OR AIRLINES OF ONE PARTY SHALL TAKE INTO
CONSIDERATION INTERESTS OF AIRLINE OR AIRLINES OF THE
OTHER SO AS NOT TO AFFECT UNDULY THOSE AIRLINES' SERVICES

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ON ALL OR PART OF THE SAME ROUTES. IN PARTICULAR, WHEN
AN AIRLINE OF ONE PARTY PROPOSES TO INAUGURATE SERVICES
ON GATEWAY ROUTE SEGMENT ALREADY SERVED BY AN AIRLINE
OF THE OTHER, INCUMBENT SHALL REFRAIN FROM INCREASING
FREQUENCY TO EXTENT AND FOR TIME NECESSARY TO ENSURE
THAT AIRLINE INAUGURATING SERVICE MAY FAIRLY EXERCISE
ITS RIGHTS UNDER PARA 1 ABOVE, BUT IN NO EVENT FOR LONGER

THAN 2 YEARS OR UNTIL SUCH FREQUENCIES ARE MATCHED,
WHICHEVER OCCURS FIRST.

3. SERVICES PROVIDED BY AN AIRLINE SHALL RETAIN AS
THEIR PRIMARY OBJECTIVE PROVISION OF CAPACITY ADEQUATE
TO TRAFFIC DEMANDS BETWEEN COUNTRY OF WHICH AIRLINE IS A
NATIONAL AND COUNTRY OF ULTIMATE DESTINATION OF TRAFFIC.
RIGHT TO EMBARK, DISEMBARK ON SUCH SERVICES TRAFFIC
DESTINED FOR, COMING FROM 3RD COUNTRIES AT POINT OR
POINTS ON ROUTES SPECIFIED SHALL BE EXERCISED IN ACCORD-
ANCE WITH GENERAL PRINCIPLES OF ORDERLY DEVELOPMENT OF
INTERNATIONAL AIR TRANSPORT TO WHICH BOTH PARTIES
SUBSCRIBE AND SHALL BE SUBJECT TO GENERAL PRINCIPLE
THAT CAPACITY SHOULD BE RELATED TO:

A. TRAFFIC REQUIREMENTS BETWEEN COUNTRY OF ORIGIN
AND COUNTRIES OF ULTIMATE DESTINATION OF TRAFFIC;
B. REQUIREMENTS OF THROUGH AIRLINE OPERATIONS;
C. TRAFFIC REQUIREMENTS OF AREA THROUGH WHICH
AIRLINE PASSES, AFTER TAKING ACCOUNT OF LOCAL AND
REGIONAL SERVICES.

4. FREQUENCY, CAPACITY OF SERVICES TO BE PROVIDED ON
EACH ROUTE SHALL BE CLOSELY RELATED TO REQUIREMENTS OF
ALL CATEGORIES OF PUBLIC DEMAND FOR CARRIAGE OF PASSEN-
GERS, CARGO INCLUDING MAIL SO AS TO PROVIDE ADEQUATE
PUBLIC SERVICE AND PERMIT REASONABLE DEVELOPMENT OF
ROUTES AND VIABLE AIRLINE OPERATIONS. DUE REGARD SHALL

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BE PAID TO EFFICIENCY OF OPERATION SO THAT FREQUENCY,
CAPACITY ARE PROVIDED AT LEVEL APPROPRIATE TO ACCOMMODATE
TRAFFIC AT LOAD FACTOR CONSISTENT WITH TARIFFS BASED ON
CRITERIA SET FORTH IN PARA 3 OF TARIFF ARTICLE.

5. PARTIES RECOGNIZE THAT AIRLINE ACTIONS LEADING TO
EXCESS CAPACITY OR TO UNDERPROVISION OF CAPACITY CAN
BOTH RUN COUNTER TO INTERESTS OF TRAVELING PUBLIC. IN
PARTICULAR CIRCUMSTANCES OF NORTH ATLANTIC COMBINATION
SERVICES, THEY HAVE AGREED TO ESTABLISH PROCEDURES SET
OUT IN CAPACITY ANNEX. SO FAR AS OTHER ROUTES AND
SERVICES ARE CONCERNED, IN EVENT THAT ONE PARTY BELIEVES
THAT OPERATIONS OF AN AIRLINE OF THE OTHER HAVE BEEN
INCONSISTENT WITH PRINCIPLES SET FORTH IN THIS ARTICLE,
IT MAY REQUEST CONSULTATIONS PURSUANT TO CONSULTATIONS
ARTICLE FOR PURPOSE OF REVIEWING OPERATIONS IN QUESTION
TO DETERMINE WHETHER THEY ARE IN CONFORMITY WITH SAID
PRINCIPLES AND, IF THEY ARE NOT, TO DECIDE UPON APPROPRI-
ATE CORRECTIVE OR REMEDIAL MEASURES, EXCEPT THAT, WHERE
FREQUENCY OR CAPACITY LIMITATIONS ARE ALREADY PROVIDED
IN ROUTE ANNEX ADDITIONAL LIMITATIONS MAY NOT BE IMPOSED.
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6. NEITHER PARTY SHALL UNILATERALLY RESTRICT DESIGNATED
AIRLINES OF OTHER WITH RESPECT TO CAPACITY, FREQUENCY OR
SCHEDULING, TYPE OF AIRCRAFT EMPLOYED ON ANY OF
SPECIFIED ROUTES OTHER THAN AS SPECIFICALLY ALLOWED BY
ARTICLE 15 OF THE CONVENTION, APPLICATION OF LAWS AND
AIRWORTHINESS ARTICLE OR CAPACITY ANNEX OF THIS AGREEMENT.

BREWSTER

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Message Attributes

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Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
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